

Notice of Allowability

Application No.

10/089,481

Examiner

Shelley Self

Applicant(s)

RAMUN, JOHN R

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1, 3, 5-9, 30, 33, 35-39, 63, 72, 74 and 75.
3. ☒ The drawings filed on 22 July 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

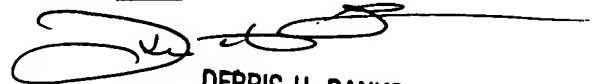
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/20/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney of record, James Porcelli on Monday July 25, 2005 and August 5, 2005.

The application has been amended as follows:

- Claim 1, line 11 following the term "*common pivot pin*" inserted **—along a single axis—**
- Claim 30, line 15 following the term "*common pivot pin*" inserted **—along a single axis—**
- Claim 58, line 5, following the term, "hydraulic piston," entered **—wherein the hydraulic piston moves along a linear path,—**
- Claim 58, line 10, following the term "*common pivot pin*" inserted **—along a single axis and wherein the common pivot pin is aligned with the linear path of the hydraulic piston—**
- Claim 59, line 2, following the term "*substantially equal*" inserted the word **—to—**
- Claim 60 has been cancelled**
- Claim 62 has been cancelled**
- Claim 63, line 7 following the term "*common pivot pin*" inserted **—along a single axis—**
- Claim 72; line 15 following the term "*common pivot pin*" inserted **—along a single axis—**

Allowable Subject Matter

Claims 1, 3, 5-9, 30-33, 35-39, 58, 59, 63, 72, 74 and 75 are allowed.

The following is an Examiner's statement of reasons for allowance: As noted in the previous Office Action, The prior art of record does not disclose or fairly suggest a pivotal/movable blades having a linkage associated with each blade a common (single) pivot pin as set forth in claims 1,30, 58, 63 and 72 are deemed allowable.

The prior art reference of record, Tagawa discloses a demolition tool/heavy duty shear comprising a universal body (figs.1, 3) including a guide slot (fig. 3) a pair of pivot able blades 92a, 2b, 7a, 7b), at least on e linkage (6, 16)) attached to each blade (fig. 3), a slide member (18) via pines (8, 40); a piston cylinder arrangement (4) attached to the universal body (fig. 3). Tagawa discloses the piston/cylinder arrangement (4, 5) actuates the slide member (connecting rode (18) rollers (13) within the guide slot to pivot the linkages and blades 92a, 2b, 72, 7b) between open and closed positions. Tagawa does not disclose a common pivot pin along a single axis connecting each linkage and instead teaches the connection between the blades and linkages to occur at a common location at space points (8, 40) on connection link/rod (13). Examiner notes a pin/point to be a single spot/location on a linear path, because Tagawa teaches connection as spaced points, no common pivot pin exists in Tagawa. Therefore, Tagawa neither anticipates nor renders obvious the claimed invention as set forth in claims 1, 30, 58, 63 and 72.

Neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in the claims, therefore the claims are deemed allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf
August 5, 2005


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700